IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA STATESVILLE DIVISION CIVIL ACTION NO. 5:18-CV-123-KDB-DCK

JULIE WAGNER,)	
Plaintiff,)	
v.)	ORDER
TREVOR ASHLINE; and)	
SIMPSON PERFORMANCE PRODUCTS,)	
INC., a Texas Corporation,)	
· •)	
Defendants.)	

THIS MATTER IS BEFORE THE COURT on Plaintiff's "Motion To Seal A Portion Of Plaintiff's Response Opposing Defendants' Motion For Summary Judgment" (Document No. 85) and "Memorandum In Support Of Motion To Seal..." (Document No. 86) filed December 10, 2020. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate.

Plaintiff seeks leave to seal Exhibits 09, 18, 19, 21, and 22, in support of its opposition to Defendants' Motion for Summary Judgment. (Document No. 85). Having carefully considered the motion and the record, the undersigned will <u>grant</u> the motion.

A party who seeks to seal any pleading must comply with the Local Rules of this Court. Local Civil Rule("LCvR") 6.1 provides in relevant part as follows:

LCvR. 6.1 SEALED FILINGS AND PUBLIC ACCESS.

(a) Scope of Rule. To further openness in civil case proceedings, there is a presumption under applicable common law and the First Amendment that materials filed in this Court will be filed unsealed. This Rule governs any party's request to seal, or otherwise restrict public access to, any materials filed with the Court or used in connection with judicial decision- making. As used in this

Rule, "materials" includes pleadings and documents of any nature and in any medium or format.

- **(b)** *Filing under Seal.* No materials may be filed under seal except by Court order, pursuant to a statute, or in accordance with a previously entered Rule 26(e) protective order.
- (c) Motion to Seal or Otherwise Restrict Public Access. A party's request to file materials under seal must be made by formal motion, separate from the motion or other pleading sought to be sealed, pursuant to LCvR 7.1. Such motion must be filed electronically under the designation "Motion to Seal." The motion must set forth:
 - (1) A non-confidential description of the material sought to be sealed;
 - (2) A statement indicating why sealing is necessary and why there are no alternatives to filing under seal;
 - (3) Unless permanent sealing is sought, a statement indicating how long the party seeks to have the material maintained under seal and how the matter is to be handled upon unsealing; and
 - (4) Supporting statutes, case law, or other authority.

Having considered the factors provided in Local Rule 6.1(c), the Court will grant the motion to seal. Noting that the time for Defendant and the public to file responses has not run to this motion, the Court will consider any objections to this Order from Defendant or non-parties as an objection to the motion, requiring no additional burden under the Federal Rules of Civil Procedure. See Local Rule 6.1(e).

IT IS, THEREFORE, ORDERED that Plaintiff's "Motion To Seal A Portion Of Plaintiff's Response Opposing Defendants' Motion For Summary Judgment" (Document No. 85) is **GRANTED**. Document Nos. 65, 75, 77, 80, and 82, shall remain under seal until otherwise ordered by the Court.

SO ORDERED.

Signed: December 11, 2020

David C. Keesler

United States Magistrate Judge